

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Yerramsetti Ammaji D/o Subbaraju and 4 others, R/o Gondolu (V), Addateegala (M), East Godavari District, against the Proceedings Ref. C5/M/341/2009 dated:13.2.2010 of the Collector, East Godavari District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 23

Dated:18.05.2013.

Read the following.

1. Proceedings of the District Collector, East Godavari, No. Ref. C5/M/341/2009 dated: 13.02.2010.
2. Appeal Petition filed by Smt. Yerramsetti Ammaji D/o Late Subbaraju and 4 others, R/o Gondolu (V), Addateegala (M), East Godavari District, dated: 19.02.2010.
3. From the orders of APHC, Hyderabad in WPNo.5459 of 2010 dated: 22.4.2010.
4. Govt.Memo.No.1373/CV2/2010, SW(CV2) Dept, dated: 18.06.2010
5. From the District Collector, East Godavari, No. Ref.C5/M/370/10, Dated: 08.07.2010,
6. Govt.Memo.No.1373/CV2/2010, SW(CV2) Dept, dated:30.06.2012.
7. Govt.Memo.No.1373/CV2/2010, SW(CV2) Dept, dated:26.07.2012.
8. Written Arguments dated: 06.08.2012 filed by the counsel for the Appellant before the Government.

ORDER:

In the reference 1st read above the District Collector, East Godavari has issued orders canceling Scheduled Tribe Certificate obtained from the then Tahsildar, Addateegala by Smt. Yerramsetti Ammaji D/o Subbaraju and 4 others, R/o Gondolu (V), Addateegala (M), East Godavari District.

2. In the reference 2nd read above, Smt. Yerramsetti Ammaji D/o Subbaraju and 4 others have filed appeal petition before the Government against the orders of the District Collector, East Godavari.

3. In the reference 3rd read above, the Hon'ble High Court of AP., in Writ Petition No. 5459 of 2010, dated: 22.04.2010, filed by Smt. Yerramsetti Ammaji D/o Subbaraju and 4 others has directed the Appellate authority to dispose of the Appeal Petition filed by them before the Government within a period of 3 months. Further pending disposal of Appeal no further steps shall be taken consequent to the impugned order denying them the status which is already held by them. However, the Petitioner shall not be entitled to be extended any further benefits such as appointment, promotion or allotment of lands, etc.

4. In the reference 4th read above, while furnishing the said Court directions to the District Collector, East Godavari, he has been informed that the appeal petition of Smt. Yerramsetti Ammaji D/o Subbaraju and 4 others has been admitted by the Government and called for the parawise remarks and connected records from the District Collector, East Godavari.

5. In the reference 5th read above, the District Collector, East Godavari has furnished the parawise remarks and connected records of Smt. Yerramsetti Ammaji D/o Subbaraju and 4 others.

6. The said Appeal Petition has been posted for hearing on 09.07.2012 finally on 06.08.2012 and the same has been informed to the appellants, counsel for the appellants with a request to attend the hearing of the case with all documentary evidences/ certificates in favour of their community claim in the references 6th and 7th read above. The Advocate for Appellants was present and argued the case and explained their client's community status and the appellants filed written arguments before the Appellate Authority in the reference 8th read above.

7. Government have examined the records and Proceedings of the District Collector, East Godavari dated.13.02.2010, grounds and written arguments submitted by the Appellants and having considered the arguments of either side and documentary evidences and written arguments of the Appellants and also on perusal of the record, it is observed that the counsel for the Appellant has contended that the Appellant belongs to 'Yerramsetti' by Surname, which is a clan of Konda Reddy Tribes, having marital relations with Konda Reddy Tribes. The Village Records, Land Records, Voters List prepared by the authorities clearly demonstrate that the 'Yerramsetti' clan was registered as Konda Reddy Tribe. The Commissioner Tribal Welfare vide Rc.No. 4761/94 TR1/VC-4 dated:20-10-1994 recognized the status of the Appellants as Konda Reddy and the Addl. D.G.P., CID., also after elaborate enquiries concluded that the Appellants are considered as Konda Reddy by caste, which is under ST. The R.D.O., and the Tahsildar, Rampachodavaram have conducted the enquiries behind their back without following the principles of natural justice. The District Level Scrutiny Committee without taking into consideration the documents and the enquiry reports concluded that 'Yerramsetti' Surname does not belong to Konda Reddy Tribal family, which is unjust. Therefore, they have requested to set aside the orders of the Collector, East Godavari District.

8. Further it is observed that on perusal of the records, material papers, copies of documents made available reveals that the 'Yerramsetti' Surname prevails in Gondolu Village is Konda Reddy by Caste. The Gram Sabha report, Statement of the Witnesses, School Certificates of the Appellants and their Relations, Customs, and clans of the Appellants also reveals that the parents Sri Yerramsetti Subbaraju and Smt. Velugula Papayamma are residents of agency tract area and as per the Revenue Records and Certificates during the years 1930, 1932, 1944 and 1956, the Caste of the Appellants and their relations is Konda Reddy by Caste. It is noticed that they perform the Girijan festivals, food habits, funerals and marital relations with Girijan people. The Appellants have born in Gondolu Village and their ancestors belong to same agency tract. The genealogical grounds are the main criteria for determining one's caste. The caste has to be determined as per the family and it's clan but not basing on the Surnames. It appears that the DLSC and the Collector, East Godavari District have viewed the issue on Surname and Land Records and come to a conclusion that the Appellants do not belong to Konda Reddy i.e., ST Community. In the light of the above, the Appellate Authority is of the opinion that the claim of the Appellants as Konda Reddy ST Community is genuine, though they possess 'Yerramsetti' as Surname.

9. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Smt. Yerramsetti Ammaji D/o Subbaraju and 4 others, R/o Gondolu (V), Addateegala (M), East Godavari District and the Proceedings of the District

Collector, East Godavari issued in the Ref. C5/M/341/2009 dated: 13.2.2010 is hereby set aside, by upholding the ST 'Konda

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Reddy' community certificate issued by the Tahsildar, Addateegala in favour of Smt. Yerramsetti Ammaji D/o Subbaraju and 4 others, R/o Gondolu (V), Addateegala (M), East Godavari District.

10. The District Collector, East Godavari shall take necessary action in the matter.

11. The records (containing Ref. C5/M/341/2009 dated:13.2.2010, pages 01 to 770 (2-Volumes) received from District Collector, East Godavari District, through 5th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The District Collector, East Godavari (we) (By RPAD)
(with original records).

Smt. Yerramsetti Ammaji D/o Subbaraju
and 4 others, R/o Gondolu (V), Addateegala (M),
East Godavari District.

Sri B.Bhaskara Rao, Advocate, 201,
Royal Residency, H.No. 10-4-34/1,
St. Theresa's High School Lane,
Humayun Nagar, Hyderabad - 28.

Copy to:

The Commissioner of Tribal Welfare, AP, Hyderabad/ the Director,
TCR& TI, AP, Hyderabad.
P.S. to Minister(TW)
P.S. to Principal Secretary(TW)
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER